

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG

LINDA SMEDLEY, ADMINISTRATRIX
OF THE ESTATE OF EARL ELTON
SMEDLEY,

Plaintiff,

v.

CIVIL ACTION NO. 3:06-CV-104
(Judge Bailey)

RUSSELL LYNN BREWER and
MSM TRUCKING, INC., d/b/a
WOMCO TRUCKING, and
WOMCO TRUCKING,

Defendants.

ORDER GRANTING MOTION TO EXTEND DISCOVERY AND CONTINUE TRIAL

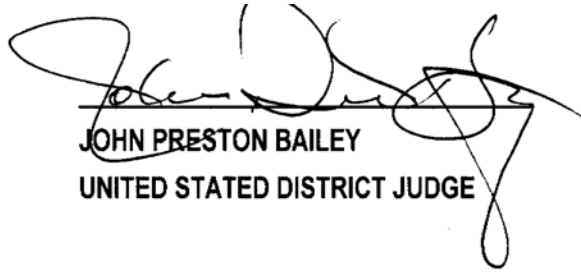
This matter is now before the Court for consideration of the Motion to Extend Discovery and Continue Trial [Doc. No. 122] filed on December 26, 2007. In support of the Motion, counsel for the defendants indicate that the criminal matter has not yet been fully resolved. This Court had previously stayed the deposition of Russell Brewer until after the criminal matter is resolved [Doc. No. 88]. Furthermore, new evidence which may impact defendants' case has recently come to light.

After careful review of the grounds offered in support, the Court finds good cause to grant the Motion. Accordingly, the **Motion for Extension of Time [Doc. No. 122] is GRANTED**, and the **trial** and **pretrial** are hereby **CONTINUED**. Discovery deadlines are extended by an additional ninety **(90) days**. The Court will hold a status conference on this matter on **February 11, 2008, at 3:00 p.m.**

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to the defendant, and all counsel of record.

DATED: December 28, 2007.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE